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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 JARVONNE JONES,

12 Plaintiff,

13 v.

14 A. PAYAN, et al.,

15 Defendants.  
16

No. 2:25-cv-1449-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42  
18 U.S.C. § 1983. Pending before the Court is Plaintiff's original complaint filed in state court and  
19 removed by Defendants based on federal question jurisdiction. See ECF No. 1 (Notice of  
20 Removal). Also before the Court is Defendants' request for screening of the complaint. See ECF  
21 No. 2.

22 The Court is required to screen complaints brought by prisoners seeking relief  
23 against a governmental entity or officer or employee of a governmental entity. See 28 U.S.C.  
24 § 1915A(a). This provision also applies if the plaintiff was incarcerated at the time the action was  
25 initiated even if the litigant was subsequently released from custody. See Olivas v. Nevada ex rel.  
26 Dep't of Corr., 856 F.3d 1281, 1282 (9th Cir. 2017). The Court must dismiss a complaint or  
27 portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can  
28 be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See

1 28 U.S.C. § 1915A(b)(1), (2).

2           Moreover, the Federal Rules of Civil Procedure require that complaints contain a  
3 “. . . short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R.  
4 Civ. P. 8(a)(2). This means that claims must be stated simply, concisely, and directly. See  
5 McHenry v. Renne, 84 F.3d 1172, 1177 (9th Cir. 1996) (referring to Fed. R. Civ. P. 8(e)(1)).  
6 These rules are satisfied if the complaint gives the defendant fair notice of the plaintiff’s claim  
7 and the grounds upon which it rests. See Kimes v. Stone, 84 F.3d 1121, 1129 (9th Cir. 1996).  
8 Because Plaintiff must allege with at least some degree of particularity overt acts by specific  
9 defendants which support the claims, vague and conclusory allegations fail to satisfy this  
10 standard. Additionally, it is impossible for the Court to conduct the screening required by law  
11 when the allegations are vague and conclusory.

### 12 13 **I. PLAINTIFF’S ALLEGATIONS**

14           Plaintiff names the following prison officials at California State Prison – Solano  
15 (CSP-Solano) as defendants: (1) T. Tyler, (2) J. Santos, (3) S. Brown, (4) A. Payan, (5) A.  
16 D’Andrade, and (6) P. Mascote. See ECF No. 1, pg. 5. Plaintiff asserts eight separate claims.

17           Plaintiff’s first claim alleges that his Fourteenth Amendment due process rights  
18 and Eighth Amendment rights were violated by Defendants Tyler, Brown, and Payan, for  
19 approving the retention of Plaintiff in the Restrictive Housing Unit (RHU) on January 10, 2024.  
20 See id. at 18. Plaintiff contends the “RHU term” for “battery on non-prisoner” on December 20,  
21 2023, did not occur. Id. at 9. At the Initial Classification Committee (ICC) hearing, Plaintiff  
22 asserts that he did not receive “written notice” of the Rules Violation Report (RVR) within fifteen  
23 days of the incident in “violation of California Code of Regulation Title 15.” Id. at 16-17.  
24 Plaintiff alleges this confinement by Defendants in the RHU violated his “due process” because  
25 Defendants’ “failed to investigate the alleged allegation” before placing Plaintiff in the RHU. Id.  
26 at 9. While in the RHU, Plaintiff contends Plaintiff has been subject to only one phone call per  
27 week “as well as other punishments.” Id. at 19.

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1           Additionally, Plaintiff contends the confinement in the RHU caused Plaintiff to  
2     lose credits for two college courses, two self-help programs, a life skills program, and a Prisoner  
3     Industry Authority (PIA) job. See id. Plaintiff alleges he sought these credits to reduce his prison  
4     sentence, and the credits have not been restored. See id. at 9.

5           Plaintiff's second claim asserts a violation of the Fourteenth Amendment Due  
6     Process Clause by Defendant Mascote "with malice intent to harm" by making false statements to  
7     administration regarding the when the battery on non-prison occurred. Id. at 10. Specifically,  
8     Plaintiff asserts that Defendant Mascote stated the incident happened on December 20, 2023, but  
9     Plaintiff contends the audio-video surveillance system shows the incident occurred on December  
10    18, 2023. Plaintiff then repeats the same allegations as the first claim. See id. at 9.

11          Plaintiff's third claim alleges a violation of the Fourteenth Amendment Due  
12    Process Clause by Defendant Santos by authorizing the initial RHU placement "on or about"  
13    January 2, 2024. Id. at 11. Plaintiff then repeats the same allegations as the first claim. See id. at  
14    9.

15          Plaintiff's fourth claim alleges a violation of the Fourteenth Amendment Due  
16    Process Clause by Defendant Brown by retaining Plaintiff in the RHU pending the committee's  
17    action on January 3, 2024. See id. at 12. Plaintiff then repeats the same allegations as the first  
18    claim. See id. at 9.

19          Plaintiff's fifth claim contends a violation of the Fourteenth Amendment Due  
20    Process Clause by that Defendant Payan by approving to retain Plaintiff in the RHU during the  
21    ICC hearing on January 10, 2024. See id. at 13. Plaintiff then repeats the same allegations as the  
22    first claim. See id. at 9.

23          Plaintiff's sixth claim alleges a violation of the Fourteenth Amendment Due  
24    Process Clause by Defendant D'Andrade by finding Plaintiff "guilty of false allegations without  
25    investigation." Id. at 14. Plaintiff then repeats the same allegations as the first claim. See id. at 9.

26          Plaintiff's seventh claim alleges a Fourteenth Amendment violation by Defendants  
27    when they "intentionally failed to put the number of items Plaintiff had prior to being placed in  
28    administrative segregation." Id. at 15.

1 Plaintiff's eighth claim alleges an Eighth Amendment violation against unnamed  
2 defendants for subjecting Plaintiff to only one phone call per week "as well as other punishments"  
3 while in the RHU. Id. at 19.

## 4 5 II. DISCUSSION

6 Plaintiff's complaint asserts eight claims against six Defendants. The Court finds  
7 that Plaintiff's due process claims relating to the prison disciplinary process (first through sixth  
8 claims) plausibly state cognizable claims for relief. However, Plaintiff's seventh claim, which  
9 also appears to relate to the prison disciplinary process, is insufficient to proceed as currently  
10 pleaded because Plaintiff does not allege facts to show a causal connection between a named  
11 defendant and a violation of Plaintiff's due process rights. Finally, Plaintiff's eighth claim  
12 alleging an Eighth Amendment violation relating to limitations on the number of phone calls  
13 Plaintiff was allowed, is also insufficient as currently pled for the same reason – failure to allege  
14 facts to show a causal connection between a named defendant and a violation of Plaintiff's Eighth  
15 Amendment rights relating to phone privileges.

16 To state a claim under 42 U.S.C. § 1983, the plaintiff must allege an actual  
17 connection or link between the actions of the named defendants and the alleged deprivations. See  
18 Monell v. Dep't of Social Servs., 436 U.S. 658 (1978); Rizzo v. Goode, 423 U.S. 362 (1976). "A  
19 person 'subjects' another to the deprivation of a constitutional right, within the meaning of  
20 § 1983, if he does an affirmative act, participates in another's affirmative acts, or omits to perform  
21 an act which he is legally required to do that causes the deprivation of which complaint is made."  
22 Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978). Vague and conclusory allegations  
23 concerning the involvement of official personnel in civil rights violations are not sufficient. See  
24 Ivey v. Board of Regents, 673 F.2d 266, 268 (9th Cir. 1982). Rather, the plaintiff must set forth  
25 specific facts as to each individual defendant's causal role in the alleged constitutional  
26 deprivation. See Leer v. Murphy, 844 F.2d 628, 634 (9th Cir. 1988).

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1 In his seventh and eighth claims, Plaintiff refers generally to “Defendants’  
2 collectively but fails to allege specific facts as to any named defendant which would link them to  
3 a violation of Plaintiff’s due process rights or Eighth Amendment rights. Plaintiff will be  
4 provided an opportunity to file an amended complaint which more specifically sets forth facts as  
5 to particular named defendants.

### 6 7 III. CONCLUSION

8 Because it is possible that the deficiencies identified in this order may be cured by  
9 amending the complaint, Plaintiff is entitled to leave to amend. See Lopez v. Smith, 203 F.3d  
10 1122, 1126, 1131 (9th Cir. 2000) (en banc). Plaintiff is informed that, as a general rule, an  
11 amended complaint supersedes the original complaint. See Ferdik v. Bonzelet, 963 F.2d 1258,  
12 1262 (9th Cir. 1992). Therefore, if Plaintiff amends the complaint, the Court cannot refer to the  
13 prior pleading in order to make Plaintiff’s amended complaint complete. See Local Rule 220. An  
14 amended complaint must be complete in itself without reference to any prior pleading. See id.

15 If Plaintiff chooses to amend the complaint, Plaintiff must demonstrate how the  
16 conditions complained of have resulted in a deprivation of Plaintiff’s constitutional rights. See  
17 Ellis v. Cassidy, 625 F.2d 227 (9th Cir. 1980). The complaint must allege in specific terms how  
18 each named defendant is involved and must set forth some affirmative link or connection between  
19 each defendant’s actions and the claimed deprivation. See May v. Enomoto, 633 F.2d 164, 167  
20 (9th Cir. 1980); Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978).

21 Because the complaint appears to otherwise state cognizable claims, if no amended  
22 complaint is filed within the time allowed therefor, the Court will issue findings and  
23 recommendations that the claims identified herein as defective be dismissed, as well as such  
24 further orders as are necessary for service of process as to the cognizable claims.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Defendants' request for screening, ECF No. 2, is granted.
2. Plaintiff may file a first amended complaint within 30 days of the date of service of this order.

**Dated: June 13, 2025**



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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE